

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Subsection 1.74(b)  
Title 14, California Code of Regulations  
Re: Steelhead Report Card Mandatory Return

I. Date of Initial Statement of Reasons: January 16, 2003

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: February 7, 2003  
Location: Sacramento

(b) Discussion Hearing: Date: April 4, 2003  
Location: Visalia

(c) Adoption Hearing: Date: May 8, 2003  
Location: Riverside

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations require steelhead anglers to have a Steelhead Trout Report-Restoration Card in their possession when fishing for steelhead in anadromous waters of the State. The report card is valid for a calendar year, and the angler is required to retain the card until April 30 of the following year. A random sample of anglers was to be selected and contacted by the Department to provide catch and angling information. In addition, current regulations require anglers to record with a ball-point pen the month, day, catch area, number of steelhead caught and kept, and the number of steelhead caught and released.

Effective January 1, 2003, AB 2783 amended Section 7380 of the Fish and Game Code requiring cardholders to return the cards to the Department according to a schedule or date established by the Department. Using the authority of Section 7380, the Department is proposing to require steelhead report card holders to return cards to the Department no later than January 31 of the year following the cards' expiration. In addition, Section 7380 of the Fish and Game Code requires anglers to immediately record certain information on the report card when

finished fishing for the day, moving to another river or stream, or retaining a steelhead trout. The Department is proposing to add the term “immediately” to the recording requirements indicated in Subsection 1.74(b), Title 14, CCR.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 240, 1050, 1055, and 7380, Fish and Game Code.

Reference: 200, 202, 205, 206, 240, 713, 1050, 1055, 7380, 7381, and 7382, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.
- (d) Identification of Reports or Documents Supporting Regulation Change: None.
- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No other alternative was identified that would accomplish the required action in a timely manner and meet the mandate described in the Fish and Game Code.

- (b) No Change Alternative: If no changes were made, Title 14 would be inconsistent with the Fish and Game Code.

- (c) Consideration of Alternatives: In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons that the proposed regulations.

#### V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed change requires individuals to return report cards to the Department instead of retaining them. Businesses will not be affected by this requirement.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

### **Informative Digest/Policy Statement Overview**

Current regulations require steelhead anglers to have a Steelhead Trout Report-Restoration Card in their possession when fishing for steelhead in anadromous waters of the State. Anglers are required to record with a ball-point pen the month, day, catch area, number of steelhead caught and kept, and the number of steelhead caught and released. The report card is valid for a calendar year, and the angler is required to retain the card until April 30 of the following year. Prior to April 30 the Department selects a random sample of anglers to be contacted to provide catch and angling information.

Effective January 1, 2003, AB 2783 amended Section 7380 of the Fish and Game Code requiring cardholders to return the cards to the Department according to a schedule or date established by the Department. Using the authority of Section 7380, the Department is proposing to require steelhead report card holders to return cards to the Department no later than January 31 of the year following the cards' expiration. In addition, Section 7380 of the Fish and Game Code requires anglers to immediately record certain information on the report card when finished fishing for the day, moving to another river or stream, or retaining a steelhead trout. Current regulations do not require the recording action to be immediate. The Department is proposing that this requirement be added to Subsection 1.74(b), Title 14, CCR.

Subsection 1.74(b) Title 14, CCR is amended to read:

(b) Anglers must have a nontransferable Steelhead Trout Catch Report-Restoration Card issued by the department in their possession while fishing for steelhead trout in anadromous waters (see Section 1.04 for definition of anadromous waters). For purposes of this regulation, a steelhead trout is defined as any rainbow trout greater than 16 inches in length found in anadromous waters. Anglers must immediately record, with a ball-point pen, the month, day, catch area, number of steelhead caught and kept, and number of steelhead caught and released when finished fishing for the day, moving to another river or stream, or retaining a steelhead trout. A report-restoration card shall be valid for the calendar year. When the card becomes completely filled in, a person may purchase another card. ~~Anglers are not required to return the card to the department. A random sample of anglers will be chosen and contacted by the department to provide catch and angling information.~~ Anglers must retain ~~return~~ their card ~~until April 30~~ by January 31 of the following year to California Department of Fish and Game, NAFWB, Steelhead Report Card, P.O. Box 944209, Sacramento, CA 94244-2090.

Revenue received from the sale of the cards may only be expended to monitor, restore, or enhance steelhead trout resources and to administer the report-restoration-card program. The card shall contain a statement explaining potential uses of the funds received.

The department may charge a fee for each card issued to defray printing and related administrative costs and to provide funds to monitor and restore California's steelhead populations. The amount of said fee shall be \$3.00 as adjusted pursuant to sections 713 and 1055 of the Fish and Game Code.

Note: Authority cited: Sections 200, 202, 205, 240, 1050, 1055 and 7380, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 240, 713, 1050, 1055, 7380, and 7381 and 7382, Fish and Game Code.